

REMARKS

In the Final Office Action mailed November 1, 2005, the Examiner rejected claims 1-51 under 35 U.S.C. § 102(e) as being anticipated by *Bradbury et al.* (U.S. Patent Publication No. 2002/0007294).¹

By this amendment, Applicant amends claims 1, 2, 11, 17, 19, 27, 38, 39, 50, and 51 and cancels claims 8, 30, and 42 without prejudice or disclaimer. Based on the following arguments, Applicant respectfully traverses the Examiner's rejection of claims 1-51 under 35 U.S.C. § 102(e).

I. Interview Held on February 21, 2006

Applicant appreciates the opportunity to discuss the Office Action with the Examiner on February 21, 2006. During the interview, the Examiner indicated his position that *Bradbury et al.* teaches a machine in the form of a virtual medical device implanted in a human. The Examiner also asserted *Bradbury et al.* discloses simulating a web-based model by presenting a model of a medical device within a human body part. Although Applicant disagrees with the Examiner's position, to expedite the prosecution of this application, Applicant amends the claims and presents the following arguments for the Examiner's consideration.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether or not any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

II. *Bradbury et al.* fails to teach at least lightening the engineering model using a model reduction process and establishing a web-based model of the component based on the selection data and the lightened engineering model.

In order to properly anticipate Applicant's claimed invention under 35 U.S.C. § 102(e), each and every element of the claim at issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131. Finally, "[t]he elements must be arranged as required by the claim." *Id.*

Amended independent claims 1, 27, and 38 recite, *inter alia*, lightening the engineering model using a model reduction process and establishing a web-based model of the component based on the selection data and the lightened engineering model. The Examiner asserts *Bradbury et al.* teaches lightening an engineering model by removing material from the multi-dimensional model. See paragraph [0026]. In this regard, however, *Bradbury et al.* merely discloses adjusting a feature of the model, which may include the features of the body part the modeled medical part is to be attached. *Bradbury et al.* does not teach or suggest lightening an engineering model based on a model reduction process as recited in claims 1, 27, and 38, and disclosed in certain embodiments of Applicant's specification. For example, to lighten an engineering model, embodiments of the present invention may use a polygon reduction or similar model lightening technique. Model reduction processes are not disclosed or contemplated by *Bradbury et al.* Moreover, *Bradbury et al.* does not teach

establishing the web-based model based on the lightened engineering model.

Accordingly, Applicant requests the rejection of claims 1, 27, and 38 be withdrawn and the claims allowed.

Claims 2-7, and 9-26 depend from claim 1. Claims 28-29, and 31-37 depend from claim 27. Claims 39-41, and 43-49 depend from claim 38. As explained, claims 1, 27, and 38 are distinguishable from *Bradbury et al.* Accordingly, claims 2-26, 28-37, and 39-49 are also distinguishable from the cited art for at least the same reasons set forth above in connection with claims 1, 27, and 38. Further, contrary to the Examiner's assertions, *Bradbury et al.* does not teach the additional recitations of these dependent claims as explained below. For example, the Examiner asserted during the February 21 interview that *Bradbury et al.* teaches simulating a web-based model by merely having the medical device model placed within a human body part. Applicant disagrees with this interpretation. For example, claim 2 recites performing the simulation of the web-based model in a simulation environment such that the user may manipulate the web-based model over a network to perform virtual operations. In contrast, *Bradbury et al.* provides a model of a medical part that is positioned in a human body part. Nothing in the reference shows the simulation of the model through interaction by a user. Indeed, *Bradbury et al.* does not show how a user can manipulate a web-based model during a simulation, as recited in claims 2 and 39, much less a sub-component as recited in claim 6.

Additionally, claim 12 recites allowing the user to control the operation of the web-based model using an input interface during a communication session

between the client system and server system over the network and performing simulations of the web-based model in a simulation environment based on data received from the input interface. As explained, *Bradbury et al.* does not teach such simulations. Merely having a medical device model positioned in a human body part provides no teaching or even suggestion of allowing a user to control operations of the model, as claimed. Moreover, the Examiner is misplaced in asserting paragraphs 32 and 34 of *Bradbury et al.* discloses a simulation environment includes a simulated load and wherein performing a simulation of the web-based model includes simulating a manipulation of the simulated load by the web-based model, as recited in claim 13. Use of CAD software and mesh models for finite element analysis in no way show a manipulation of simulated loads by the web-based model. Similarly, *Bradbury et al.* does not teach a process for manipulating the web-based model in the selected simulation environment based on input data, as recited in claims 32 and 44.

Accordingly, Applicant requests that the rejection of claims 2-26, 28-37, and 39-49 be withdrawn and the claims allowed.

III. *Bradbury et al.* fails to teach at least a component of a work machine that includes at least one power source for enabling the machine to travel and perform work operations.

Claim 50 recites, *inter alia*, establishing an engineering model of a component of a work machine that includes at least one power source for enabling the machine to travel and perform work operations. Claim 51 recites, *inter alia*, a process for receiving configuration data from the client system reflecting a configuration of a component, selected by the user, of a work

machine that includes at least one power source for enabling the machine to travel and perform work operations. In contrast, *Bradbury et al.* discloses a system and method for customizing and manufacturing biomedical devices. The system includes an environment where patient data is created (e.g., MRU or CT scan data) and converted to a digital format. The converted data is transmitted to a remote site where it is used to generate a 3D electronic model of an object to be manufactured. *Bradbury et al.* at ¶¶ [14, 20, and 21]. In creating the patient data, *Bradbury et al.* explains a physician provides the patient data that is stored in digital format on a computer hard drive floppy disk, or other form of storage. *Bradbury et al.* at ¶ [15]. The model is used to create machine instructions that direct the manufacturing of the object. *Bradbury et al.* at Fig. 1 and ¶¶ [15]. During the model construction phase, the 3D model data of the object may be transmitted back to the doctor/patient for review for collaborative design of the object. *Bradbury et al.* at ¶¶ [35 and 36].

As is clear from the disclosure of *Bradbury et al.*, the data collected, converted into a model, and used to manufacture a device, are not associated with a component of a machine, as recited in claims 50 and 51. Instead, *Bradbury et al.* describes medical-related devices or parts that are used in surgical procedures of a human. These are not components of a machine, as recited in claims 50 and 51. The Examiner, however, concludes that a component of a machine is taught because *Bradbury et al.* mentions "automobiles" in paragraph 86. In doing so, the Examiner improperly takes the teachings of *Bradbury et al.* out of context. *Bradbury et al.* explains in paragraph

86, and previous text leading up to that paragraph, that made-to-order processes would be practical for manufacturing pills for patients. *Bradbury et al.* merely states that the trends associated with pills that are made-to-order resembles those of "other manufacturing industries, even for products as complicated as automobiles." This disclosure is merely describing the practicality of made-to-order pills for addressing the time constraints in manufacturing medicine for patients, which may follow similar trends for automobile manufacturers, for example. Contrary to the Examiner's assertions, however, this does not show (or any other portion of *Bradbury et al.*), among other things, establishing an engineering model of a component of a work machine or a server including a process for receiving configuration data from the client system reflecting a configuration of a component of a work machine selected by the user, as recited in claims 50 and 51, respectively.

Accordingly, Applicant requests the rejection of these claims be withdrawn, and the claims allowed.

IV. Conclusion

In view of the foregoing remarks, Applicant submits that this claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and
charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON,
FARABOW,
GARRETT & DUNNER, L.L.P.



Dated: February 24, 2006

By: Reg. No. 54,387 for
Joseph E. Palys
Reg. No. 46,508